

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES  
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5203 LEESBURG PIKE  
FALLS CHURCH, VIRGINIA 22041

March 8, 1995

SECRETARY OF LABOR : CIVIL PENALTY PROCEEDING  
MINE SAFETY AND HEALTH :  
ADMINISTRATION (MSHA), : Docket No. LAKE 94-631-M  
Petitioner : A.C. No. 11-02742-05518A  
v. :  
 : Lacon Plant  
EDWARD SCHUMACHER, Employed by :  
MIDWEST MATERIAL CORPORATION, :  
Respondent :

**DECISION APPROVING SETTLEMENT**

Appearances: Lisa A. Gray, Esq., Office of the Solicitor,  
U.S. Department of Labor, Chicago, Illinois,  
for the Petitioner;  
Thomas G. Harvel, Esq., Westervelt, Johnson,  
Nicoll and Keller, Peoria, Illinois, for  
Respondent.

Before: Judge Amchan

This case is before me upon a petition for assessment of civil penalty under section 105(d) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. ' 801 et seq. At hearing, the parties moved to approve a settlement agreement and to dismiss the case. The terms of the settlement are that the penalty is reduced from \$9,500 to \$1,500. The penalty is payable in 10 equal installments beginning within 30 days. The entire penalty is due if payment of any of the installments is not made.

I have considered the representations and documentation submitted and I conclude that the proffered settlement is consistent with the criteria in section 110(i) of the Act.

**ORDER**

**WHEREFORE IT IS ORDERED** that the motion for approval of settlement is **GRANTED** and Respondent shall pay the approved penalty as provided in the settlement agreement. Upon such payment this case is **DISMISSED**.

Arthur J. Amchan  
Administrative Law Judge

Distribution:

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